

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DEMONTRAY LARELL WARD,
PLAINTIFF.

V.

CASE NO. 1:19CV147

UNITED STATES OF AMERICA et al
[REDACTED]
DEFENDANTS

FILED
SCRANTON

JAN 24 2019

Per


DEPUTY CLERK

BIVENS ACTION

1. UNDER BIVENS V. SIX UNKNOWN NAMED AGENTS FEDERAL BUREAU OF NARCOTICS, 403 U.S. 388 (1971), YOU MAY SUE FEDERAL OFFICIALS FOR THE VIOLATION OF CERTAIN CONSTITUTIONAL RIGHTS.

2. THE MIDDLE DISTRICT OF PENNSYLVANIA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1331 (b) (2) BECAUSE IT IS WHERE THE EVENT GIVING RISE TO THIS CLAIM OCCURRED.

II. PLAINTIFF

3. PLAINTIFF DEMONTRAY LARELL WARD, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE MIDDLE DISTRICT OF PENNSYLVANIA IN THE CUSTODY OF THE USP LEWISBURG DEPARTMENT OF CORRECTION. HE IS CURRENTLY CONFINED IN USP LEWISBURG P.O. BOX 1000 LEWISBURG, PA 17837.

III. DEFENDANTS

4. DEFENDANT, WARDEN DAVID J. EBBERT IS THE WARDEN OF USP LEWISBURG PRISON. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF USP LEWISBURG PRISON AND FOR THE WELFARE OF THE INMATES IN THIS PRISON.

5. DEFENDANT LIEUTENANT TROUTMAN IS A FEDERAL LIEUTENANT OF THE USP LEWISBURG PRISON WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD RANK AS A LIEUTENANT AND WAS ASSIGNED TO USP LEWISBURG PRISON.

6. DEFENDANT E. HAUBERT IS A FEDERAL OFFICER OF THE USP LEWISBURG PRISON WHO, AT ALL TIME MENTIONED IN THIS COMPLAINT, HELD RANK AS A OFFICER AND WAS ASSIGNED TO USP LEWISBURG PRISON.

7. DEFENDANT DR. ENIGK CHEIF/PSYCHOLOGIST IS A PSYCHOLOGIST/ OFFICER OF THE USP LEWISBURG PRISON WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD RANK AS CHEIF/PSYCHOLOGIST / OFFICER AND WAS ASSIGNED TO USP LEWISBURG PRISON.

8. EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS[OR HER] OFFICIAL CAPACITY. AT ALL TIMES MENTION IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF LAW.

III. FACTS

9. ON JANUARY 3, 2019 BETWEEN 6 PM THROUGH 7:45 PM I INMATE DEMONTRAY LARELL WARD #45499-379 WAS HAVEING SUICIDE THOUGHTS AS WELL AS FEELINGS OF DEPRESSION. SO I STARTED CUTTING MY LEFT FOREARM TO THE POINT I HAD BLOOD COMING OUT OF MY WOUND ALL DOWN MY LEFT ARM. AT THIS POINT I STARTED FEELING LIGHT HEADED AND HAVING MORE THOUGHTS OF SUICIDE, SO

I STOPED THE RANGE OFFICER E. HAUBERT, AN INFORMED HIM SHOWING THAT I HAD BEEN CUTTING ON MYSELF AN FELT LIGHT HEADED, AN THAT I WAS STILL FEELING SUICIDAL WITH THOUGHTS OF KILLING MYSELF AN NEEDED TO TALK WITH THE PSYCHOLOGIST. AT THAT POINT HE LOOKED AT THE FOUR CUTS ON MY LEFT FOREARM THAT WERE BLEEDING, E. HAUBERT RACED OFF THE RANGE TO NOTIFY THE LIEUTENANT TROUTMAN WHO CAME ON THE RANGE TO LOOK AT MY INJURIES. AFTER HE LOOKED AT MY INJURIES SEEING THE SERIOUSNESS OF THE ISSUE HE PULLED ME OUT THE CELL 120 IN C-BLOCK TO BE SEEN BY THE NURSE, I WAS ESCORTED TO THE FRONT OF THE RANGE. AFTER BEING SEEN BY MEDICAL NURSE, AFTER THIS I WAS ESCORTED TO THE SHOWER TO WAIT AN BE SEEN BY SOMEONE FROM PSYCHOLOGY DEPARTMENT, 30 MINUTES LATER DR. ENICK CHEIF/PSYCHOLOGIST CAME DOWN AN SEEN MY INJURIES IN WHICH I DEMONTRAY LARELL WARD EXPLAIND THAT I WAS LIGHT HEADED SHE IDENTIFIED THE SERIOUSNESS OF THE SITUATION, DR. ENICK THEN SAID THE ONLY THING SHE COULD DO WAS SEND ME BACK TO MY CELL, AN HAVE THE OFFICER WALK BY EVERY 30 MINUTES, BECAUSE SHE WAS NOT GOING TO PUT ME IN SUICIDE WATCH FOR CUTTING MYSELF. SO, I TOLD HER IF SHE DID THIS SHE WOULD NEGLECT ME OF MENTAL HEALTH ATTENTION, AFTER I STATED THIS SHE WALKED OFF THE FIRST FLOOR SHOWER AN WENT HOME WHICH WAS AROUND 8:30PM ON JANUARY 3, 2019.

AFTER DR. ENICK HAD LEFT, LIEUTENANT TROUTMAN AN ANOTHER UN-KNOWN LIEUTENANT NAME CANNOT RECALL WALKED IN THE SHOWER, HIS NAME TAG NOT SHOWING THROUGH OR ON HIS PULL-OVER JACKET SAYING THAT I WAS BEING PLACED IN AMBULATORY RESTRAINTS, SO I ASKED LIEUTENANT TROUTMAN WHY? HE SAID DO TO MY MENTAL DISORDERS, ~~PLACE FOR ME~~ RESTRAINTS WOULD BE THE BEST ~~PLACE FOR ME~~. I THEN INFORMED THE LIEUTENANT TROUTMAN THAT IF HE PLACED ME IN AMBULATORY RESTRAINTS FOR MY DISORDERS THAT, THAT WOULD BE CRUEL AN UNUSUAL PUNISHMENT. AFTER I MADE THAT STATEMENT TO LIEUTENANT TROUTMAN HE WALKED OFF TO GO AN GET A TEAM READY TO PUT ME IN AMBULATORY RESTRAINTS. I STAYED IN AMBULATORY RESTRAINTS, I WAS STRIPED OF MY DIGNITY AN CLOTHING AN FORCED

TO WERE PAPER CLOTHING FOR 4 DAYS WHICH RESULTED IN ME SUFFERING ADDITIONAL INJURIES TO BOTH MY WRIST AND BOTH ANKLES. RIGHT NOW I HAVE NERVE DAMAGE IN BOTH OF MY WRISTS AS WELL AS BOTH OF MY ANKLES DO TO ME BEING IN AMBULATORY RESTRAINTS. MY CONSTITUTIONAL RIGHTS WERE VIOLATED BECAUSE I WAS NOT PLACED IN SUICIDE WATCH OR WATCHED BY PSYCHOLOGIST STAFF.

10. THE DEFENDANTS HAVE RETALIATED UNDER THE SCOPE AND COLOR OF LAW BY (1) BY PLACING I DEMONTRAY LARELL WARD IN AMBULATORY RESTRAINTS AFTER STATING AND SHOWING SUICIDAL ATTEMPT IN WHICH HAD A CONSTITUTIONAL RIGHT TO DO (2) BY THE PRISON OFFICIALS IGNORING DEMONTRAY LARELL WARD MENTAL HEALTH THOUGHTS SHOW "ADVERSE ACTION" AS HE EXPLAINED CRUEL AND UNUSUAL PUNISHMENT (3) THERE IS A "CAUSAL CONNECTION" TO KEEP DEMONTRAY LARELL WARD IN RESTRAINTS 4 DAYS TO KEEP HIM FROM TIMELY FILING AND TO COVER UP THERE "CAUSE AND ACTION".

11. PLAINTIFF DEMONTRAY LARELL WARD, I AM IN IMMINENT DANGER OF SERIOUS PHYSICAL INJURY BY STAFF WHO MAKES COMMENTS AND ACKNOWLEDGE THAT I HAVE ANOTHER LAWSUIT IN. I AM DENIED MENTAL HEALTH, I AM DENIED ONE ON ONE CONFIDENTIALITY WITH PSYCHOLOGIST, I AM DENIED PRESCRIBED MEDICATION OR MEDICATION TO HELP ME COPE WITH MY MENTAL HEALTH NEED, MY FOOD AND CELL IS CONSTANTLY SEARCH, I WOULD LIKE TO TRANSFER FROM THIS FACILITY AWAY FROM FUTHER RETALIATION THAT IS CAUSED BY ME FILING A GRIEVANCE OR A LAWSUIT DO TO MY RIGHTS BEING VIOLATED.

V. EXHAUSTION OF LEGAL REMEDIES

12. PLAINTIFF DEMONTRAY LARELL WARD USED THE PRISONER

GRIEVANCE PROCEDURE AVAILABLE AT USP LEWISBURG TO TRY AND SOLVE THE PROBLEM. ON JAN 14, 2019 PLAINTIFF DEMONTRAY LARELL WARD PRESENTED THE FACTS RELATING TO THIS COMPLAINT. ON JAN 14, 2019 GOT A RESPONSE TO GRIEVANCE PLAINTIFF DEMONTRAY LARELL WARD WAS SENT A RESPONSE SAYING THAT THE GRIEVANCE HAD BEEN DENIED. ON JAN 16, 2019 FILED APPEAL HE APPEALED THE DENIAL OF THE GRIEVANCE.

13.

V. LEGAL CLAIMS

THE PLAINTIFF DEMONTRAY LARELL WARD SEEKS BREACH OF DUTY BY THE OFFICIALS THAT CONSTITUTED NEGLIGENCE ALL THE DEFENDANTS LIEUTENANT TROUTMAN, WARDEN DAVID J. EBBERT, CHIEF/PSYCHOLOGIST DR. ENICK, OFFICER E. HAUBERT ALL ARE IN VIOLATION OF THE 8TH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT, 1ST AMENDMENT RIGHT TO FREE(SPEECH), 5TH AMENDMENT DUE PROCESS TO BE FREE OF GROSS PHYSICAL ABUSE AT THE HANDS OF FEDERAL OFFICIALS.

(A.) UNIDENTIFIED WITNESS

TO THIS COMPLAINT

1. A. W. Colbert

2. DHO Todd W. Cerney

3. DR. Brockman

I TRAE COMPTON # AM 26710-057 THE WRITER OF THIS LEGAL COMPLAINT FOR DEMONTRAY LARELL WARD WHO IS INCOMPETENT TO THE LAW DUE TO MENTAL HEALTH ABILITY, AND DUE TO HANDS BEING NERVE DAMAGED BY RESTRAINTS. I AM WITNESS OF THIS COMPLAINT AND OF HIM BEING PLACED IN RESTRAINTS AFTER ATTEMPTING SUICIDE. I DECLARE UNDER THE PENALTY OF PERJURY THAT THIS STATEMENT IS TRUE AND CORRECT UNDER 18 U.S.C. § 1746.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

14. COMPENSATORY DAMAGES IN THE AMOUNT OF \$1500,000⁰⁰ AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

15. PUNITIVE DAMAGE IN THE AMOUNT OF \$1200,000⁰⁰ AGAINST EACH DEFENDANT.

16. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

17. PLAINTIFF'S COSTS IN THIS SUIT

18. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER AND EQUITABLE.

DATED: JAN 22, 2019
RESPECTFULLY SUBMITTED

DEMONTRAY LARELL WARD
P.O. BOX 1000
LEWISBURG, PA 17837

VERIFICATION

I DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PETITIONER, I HAVE READ THIS PETITION OR HAD IT READ TO ME, AND THE INFORMATION IN THIS PETITION IS TRUE AND CORRECT. I UNDERSTOOD THAT A FALSE STATEMENT OF MATERIAL FACT MAY SERVE AS BASIS FOR ~~PROSECUTION~~ PROSECUTION.

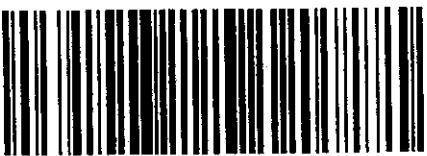
DATED JAN 22, 2019

DeMontay Ward
SIGNATURE OF PETITIONER

SIGNATURE OF ATTORNEY

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



2015 1660 0000 9132 1811

Inmate Name: *John H. Nealo*
Register Number: *155-379*
United States Penitentiary
P.O. Box 1000
Lewisburg PA 17837

22 JUN 2019



To: CLEON CO

William J. Nealo

135 N. Washington

P.O. Box

Scranton, PA

